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10 STANLEY L. GIBSON (Cal. Bar No. 047882)  
11 GIBSON ROBB & LINDH LLP  
12 100 First Street, 27<sup>th</sup> Floor  
13 San Francisco, CA 94105  
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16 *Attorneys for Defendant Navigators Insurance Co.,*  
17 *dba Navigators Protection & Indemnity*

**FILED**  
DISTRICT COURT OF GUAM

MAR 03 2008

JEANNE G. QUINATA  
Clerk of Court

**IN THE DISTRICT COURT OF GUAM**

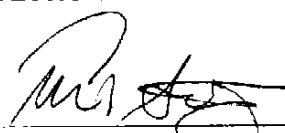
10 UNITED STATES OF AMERICA, ) CIVIL CASE NO. 06-00011  
11 )  
12 Plaintiff, )  
13 )  
14 vs. )  
15 )  
16 MARWAN SHIPPING & TRADING CO., FIVE )  
17 SEAS SHIPPING CO., LLC, and S.J. )  
18 GARGRAVE SYNDICATE 2724, *in personam*, )  
19 )  
20 Defendants. )  
21 )  
22 AND CROSS-CLAIMS, COUNTERCLAIMS, )  
23 AND CLAIM IN INTERVENTION. )

**NOTICE OF FILING OF ORIGINAL  
GIBSON DECLARATION**

19 Attached hereto as Exhibit "A" is the **DECLARATION OF STANLEY L.**  
20 **GIBSON IN SUPPORT OF SPECIALLY-APPEARING DEFENDANT NAVIGATORS INSURANCE**  
21 **COMPANY'S MOTION TO SET ASIDE DEFAULT AND DISMISS FIRST AMENDED THIRD-PARTY**  
22 **COMPLAINT OF S.J. GARGRAVE SYNDICATE 2724** a facsimile copy of which was  
23 previously filed herein on February 6, 2008.

24 **BLAIR STERLING JOHNSON**  
25 **MARTINEZ & LEON GUERRERO**  
26 **A PROFESSIONAL CORPORATION**

27 BY:

  
28 **THOMAS C. STERLING**

*Attorneys for Defendant Navigators Insurance Co., dba  
Navigators Protection & Indemnity*

**EXHIBIT "A"**

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**CERTIFICATE OF SERVICE**

I, **THOMAS C. STERLING**, hereby certify that a true and correct copy of the **NOTICE OF FILING OF ORIGINAL GIBSON DECLARATION** filed herein on March 3, 2008, will be served via hand delivery on March 3, 2008, or soon thereafter, upon the following:

**DAVID P. LEDGER, ESQ.**  
**ELYZE J. McDONALD, ESQ.**  
**CARLSMITH BALL**  
**BANK OF HAWAII BUILDING**  
**SUITE 401**  
**134 WEST SOLEDAD AVENUE**  
**HAGÁTÑA, GUAM 96910**

**THOMAS M. TARPLEY, JR., ESQ.**  
**THOMAS MCKEE LAW OFFICE**  
**A LAW FIRM INCLUDING A PROFESSIONAL CORPORATION**  
**GCIC BUILDING, SUITE 904**  
**414 WEST SOLEDAD AVENUE**  
**HAGÁTÑA, GUAM 96910**

**LAWRENCE J. TEKER, ESQ.**  
**TEKER TORRES & TEKER, P.C.**  
**SUITE 2A, 130 ASPINALL AVENUE**  
**HAGÁTÑA, GUAM 96910**

**MIKE W. SCHWAB, ESQ.**  
**OFFICE OF THE UNITED STATES ATTORNEY**  
**SIRENA PLAZA, STE. 500**  
**108 HERNAN CORTEZ AVE.**  
**HAGÁTÑA, GUAM 96910**

DATED: MARCH 3, 2008

  
\_\_\_\_\_  
**THOMAS C. STERLING**

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USA V MARWAN ET AL.DOC

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12 San Francisco, CA 94105  
13 Telephone: (415) 348-6000  
14 Fax: (415) 348-6001

15 Attorneys for Defendant to  
16 Third-Party Complaint, Navigators Insurance Co.,  
17 dba Navigators Protection & Indemnity

18 IN THE DISTRICT COURT OF GUAM

19 TERRITORY OF GUAM

20 UNITED STATES OF AMERICA,

21 Plaintiff,

22 vs.

23 MARWAN SHIPPING & TRADING CO.,  
24 FIVE SEAS SHIPPING CO., LLC, and S.J.  
25 GARGRAVE SYNDICATE 2724, *in*  
26 *personam*,

27 Defendants.

Civil Case No.: 06-00011

DECLARATION OF STANLEY L.  
GIBSON IN SUPPORT OF SPECIALLY-  
APPEARING DEFENDANT  
NAVIGATORS INSURANCE  
COMPANY'S MOTION TO SET ASIDE  
DEFAULT AND DISMISS FIRST  
AMENDED THIRD-PARTY  
COMPLAINT OF S.J. GARGRAVE  
SYNDICATE 2724

28 AND CROSS-CLAIMS,  
29 COUNTERCLAIMS, AND CLAIM IN  
30 INTERVENTION

Judge: Honorable Frances Tydingco-  
Gatewood

31 I, STANLEY L. GIBSON, do hereby declare as follows:

32 1. I have personal knowledge of the facts stated herein and could competently testify  
33 to those facts if called as witness.

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36 DECLARATION OF STANLEY L. GIBSON IN SUPPORT OF  
37 SPECIALLY-APPEARING DEFENDANT NAVIGATORS INSURANCE  
38 COMPANY'S MOTION TO SET ASIDE DEFAULT AND DISMISS FIRST  
39 AMENDED THIRD-PARTY COMPLAINT OF GARGRAVE  
40 2724 Civ. Case No. 06-00011; Our File No. 2900.81

1           2.       I am a partner in the San Francisco office of the law firm of Gibson Robb &  
2 Lindh, who represent Special-Appearing Navigators Insurance Company ("Navigators") in this  
3 action.

4           3.       On November 2, 2007, the Court ordered the dismissal of Inchcape Shipping  
5 Services Guam's Amended Complaint In Intervention against Navigators in this Action. A true  
6 and correct copy of that Order is attached herewith as Exhibit A.

7           4.       On November 14, 2007, Gargrave's Counsel, Forrest Booth, filed a Declaration of  
8 Forrest Booth In Support of Motion for Leave to File Third-Party Complaint of S.J. Gargrave  
9 Syndicate Against Navigators Protection & Indemnity. A true and correct copy of that  
10 Declaration, without exhibits, is attached herewith as Exhibit B. At paragraph 12 of the  
11 declaration, Mr. Booth states that "[o]n November 2 [2007], this Court dismissed without  
12 prejudice the Amended Complaint in Intervention filed by Inchcape Shipping Services Guam  
13 LLC (hereinafter "Inchcape"). As of that date, Navigators was no longer a party to this lawsuit."

14           5.       Gargrave did not request in writing, pursuant to FRCP 4(d), that Navigators waive  
15 service of process of Gargrave's First Amended Third-Party Complaint filed on November 30,  
16 2007.

17           6.       On or about November 30, 2007, counsel for Gargrave mailed a copy of the First  
18 Amended Third-Party Complaint to my office in San Francisco, California. I do not recall  
19 receiving a summons with this Complaint, nor could I locate such a summons after reviewing my  
20 case file. On that same date, Gargrave's attorney mailed a letter to my office advising that  
21 Gargrave also caused the Complaint to be delivered to Thomas C. Sterling, who had been  
22 previously acting as Navigators' local counsel. Mr. Sterling advised my office that he did not  
23 recall ever receiving a copy of the summons, nor could he locate such a copy in his case file.

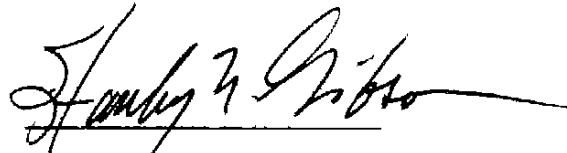
24           7.       On December 10, 2007, my office advised Gargrave's counsel, Forrest Booth,  
25 that my office was not authorized to accept service of lawsuits on behalf of Navigators. A true  
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DECLARATION OF STANLEY L. GIBSON IN SUPPORT OF  
SPECIALLY-APPEARING DEFENDANT NAVIGATORS INSURANCE  
COMPANY'S MOTION TO SET ASIDE DEFAULT AND DISMISS FIRST  
AMENDED THIRD-PARTY COMPLAINT OF GARGRAVE  
2724Civ. Case No. 06-00011; Our File No. 2900.81

1 and correct copy of that letter is attached as Exhibit C.

2 I declare under penalty of perjury of the laws of the United States of America that the  
3 foregoing is true and correct.

4  
5 Executed this 6th day of February 5, 2008 at 100 First St, 27<sup>th</sup> Floor, San Francisco,  
6 California.

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9 Stanley L. Gibson

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DECLARATION OF STANLEY L. GIBSON IN SUPPORT OF  
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COMPANY'S MOTION TO SET ASIDE DEFAULT AND DISMISS FIRST  
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2724 Civ. Case No. 06-00011; Our File No. 2900.81